0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 30, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 19, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

Dated at Rockville, Maryland, this 24th day of September 1998.

For the Nuclear Regulatory Commission.

Ronald B. Eaton,

Senior Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–26205 Filed 9–29–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–22]

CBS Corporation, Westinghouse Test Reactor; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a license amendment to the CBS Corporation (the licensee) (formerly Westinghouse Electric Corporation) that would allow

decommissioning of the Westinghouse Test Reactor (WTR) located in Westmoreland County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The WTR Facility is located in western Pennsylvania, near the town of Madison, and is on a site called the Waltz Mill site. The reactor operated from 1959 to 1962, primarily as a research and testing reactor. The facility was placed in a condition equivalent to a status later defined by the U.S. Nuclear Regulatory Commission (NRC) as ''SAFSTOR'' (safe storage) after it was shut down in 1962, and the operating license was converted to ''Possession Only'' (Amendment No. 2, dated March 25, 1963). All fuel and some of the reactor internal contents have been removed from the reactor vessel and from the Waltz Mill site.

The licensee submitted a decommissioning plan in accordance with 10 CFR 50.82(b) on July 31, 1997, as supplemented on March 20 and July 10, 1998. Decommissioning, as described in the plan, will be accomplished by removal and disposal of the remaining reactor vessel internal contents, the reactor vessel, and the biological shield. The balance of the WTR facility components and the remaining residual radioactive materials will be transferred to the existing SNM–770 license at the Waltz Mill site. There are no radiological limits applicable to the transfer of structures, materials, and equipment to the SNM–770 license, other than the radioactive materials possession limits specified in the SNM–770 license.

The licensee submitted a Decommissioning Environmental Report on March 20, 1998, which addresses the actual or potential environmental impacts resulting from the decommissioning of the WTR Facility, including decontamination, dismantlement, and site restoration activities.

Opportunity for a hearing was afforded by a ''Notice of Proposed Issuance of a License Amendment and an Order Authorizing Disposition of Component Parts, Termination of Facility License, and Opportunity for Hearing'' published in the **Federal Register** on October 21, 1997 (62 FR 54656). There were no requests for a hearing.

Need for the Proposed Action

The proposed action is necessary because of Westinghouse Electric Corporation's 1962 decision to cease operations permanently at the WTR. As specified in 10 CFR 50.82, any licensee may apply to the NRC for authority to surrender a license voluntarily and to decommission the affected facility. Further, 10 CFR 51.53(d) stipulates that each applicant for a license amendment to authorize decommissioning of a production or utilization facility shall submit with its application an environmental report that reflects any new information or significant environmental change associated with the proposed decommissioning activities. Also, decommissioning the WTR and transferring the residual radioactivity and remaining WTR facilities to the SNM–770 license is to allow efficient management of the Waltz Mill site under one license.

Environmental Impact of the Proposed Action

All decontamination will be performed by trained personnel in accordance with previously reviewed procedures and will be overseen by experienced health physics staff. Solid and liquid waste will be removed from the facility and managed in accordance with NRC requirements. The WTR staff has calculated that the collective dose equivalent to the WTR staff for the project will be less than 0.39 person-sievert (39 person-rem, Decommissioning Plan, July 25, 1991, page 2–29). The maximum calculated public exposure, to the most exposed person, from the planned decommissioning of the WTR would be less than 1×10^{-5} sievert per year (1 mrem per year, Westinghouse letter, March 20, 1998, page 9).

The above conclusions were based on all proposed operations being carefully planned and controlled, all contaminated components being removed, packaged, and shipped offsite or controlled under SNM–770. Furthermore, the existence of radiological control procedures that will be in place will help ensure that releases of radioactive wastes from the facility are within the limits of 10 CFR Part 20 and are as low as reasonably achievable (ALARA).

Based on the review of the specific proposed activities associated with the dismantling and decontamination of the WTR facility, the NRC staff has determined that there will be no significant increase in the amounts of radioactive effluents that may be released offsite, and no significant increase in occupational or public radiation exposure.

With regard to nonradiological impacts, the proposed action will not result in a change in nonradiological plant effluent and will have no other nonradiological impact.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the action.

Alternatives to the Proposed Action

The four alternatives available for disposition of the WTR are: DECON, SAFSTOR, ENTOMB, and no action. These alternatives are defined as follows:

DECON is the alternative in which the equipment, structures, and portions of the facility and site containing radioactive contaminants are removed or decontaminated to a level that permits the property to be released for unrestricted use shortly after cessation of operations.

SAFSTOR is the alternative in which the nuclear facility is placed and maintained in a condition that allows the nuclear facility to be safely stored and subsequently decontaminated (deferred decontamination) to levels that permit release for unrestricted use.

ENTOMB is the alternative in which radioactive contaminants are encased in a structurally long-lived material, such as concrete, the entombed structure is appropriately maintained and continued surveillance is carried out until the radioactivity decays to a level permitting release of the property for unrestricted use.

The licensee has evaluated the pros and cons of these alternatives in a letter dated March 20, 1998, and has given acceptable justification for proposing the modified DECON approach. It is considered a modified DECON approach because the WTR facility will not be released for unrestricted use but will be transferred to an existing NRC materials license. The principal reasons for this selection are as follow:

1. The facility has been in the SAFSTOR mode for 35 years and the majority of benefit from radioactive decay has already been realized.

2. Considering the potential for future escalation in the cost of radioactive waste burial and demolishment activities, the modified DECON alternative is most beneficial now.

3. Integrating the remaining WTR area into the existing materials license at the site will improve the efficiency of the decommissioning activities for the entire site at Waltz Mill. Key individuals that will be performing the decommissioning activities have experience from other decommissioning and remediation projects, including performing the remediation of the Waltz Mill Site.

The only alternative to the proposed dismantling and decontamination activities is to maintain possession of the reactor in the SAFSTOR mode. This approach would include monitoring and reporting for the duration of the safe storage period. However, the licensee has determined that it would be more efficient to terminate the reactor license by removing the remaining reactor vessel internal contents, the reactor vessel and the biological shield, and transferring the balance of the facility components and remaining residual radioactivity to the existing SNM–770 license.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Environmental Report submitted on March 20, 1998, for the WTR.

Agencies and Persons Contacted

In accordance with its stated policy, on June 23, 1998, the NRC staff consulted with the Pennsylvania State Official, Ray Woods, of the Bureau of Radiation Protection, Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. There was no objection to the conclusions reached in the environmental assessment.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letters dated July 31, 1997, March 20, and July 10, 1998, which are available for pubic inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland, this 23rd day of September 1998.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning, Project Directorate, Division of Reactor Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–26209 Filed 9–29–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company, Turkey Point Unit 3 and Unit 4; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of an exemption from certain requirements of its regulations to Florida Power and Light Company (the licensee), holder of Facility Operating Licenses Nos. DPR–31 and DPR–41 for operation of Turkey Point Units 3 and 4, respectively.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated December 12, 1996, as supplemented July 31, October 31, and December 17, 1997, and June 2 and August 4, 1998, for exemption from certain requirements of Appendix R, ''Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979,'' for Turkey Point Units 3 and 4. Specifically, the licensee requested an exemption from the requirements of Appendix R, Subsection III.G.2.a, for raceway fire barriers in outdoor fire zones, excluding the Open Turbine Building. On February 24, 1998, the staff issued a partial exemption for fire zones 47, 54,113, 114, 115, 116 ,118, 119, 120, and 143, and denied the exemption request for fire zone 106R. The current exemption request covers fire zones 79—partial, 81, 84—partial, 86, 88—partial, and 89-partial. Fire zone 131 will be addressed separately.

The Need for the Proposed Action

The Thermo-Lag fire barriers installed at Turkey Point Units 3 and 4 were found to have a rating of 25-minutes, which does not meet the requirements specified in Subsection III.G.2.a. The proposed exemptions are needed because compliance with the regulation would result in significant additional costs.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20.

The proposed action will not result in an increase in the probability or consequences of accidents or result in a change in occupational or offsite dose. Therefore, there are no radiological impacts associated with the proposed action.

The proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no environmental impacts associated with this action.

Alternative to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (no-action alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action did not involve the use of any resources not previously considered in the Final Environmental Statements related to operation of Turkey Point Units 3 and 4, dated July 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on September 17, 1998, the NRC staff consulted with the Florida State official, Mr. William Passetti of the Bureau of Radiation Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 12, 1996, as supplemented on July 31, October 31, and December 17, 1997, and June 2 and August 4, 1998, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the Florida International University, University Park, Miami, Florida.

Dated at Rockville, Maryland, this 24th day of September 1998.